

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: SPECIAL ACCOUNTS BILLING GROUP, INC., AND ERBIA NETWORK, INC.	DOCKET NO. WRU-02-13
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ORDER GRANTING WAIVER

(Issued May 17, 2002)

On April 9, 2002, Special Accounts Billing Group, Inc. (Special Accounts), and Erbia Network, Inc. (Erbia), jointly filed with the Utilities Board (Board) a request for a waiver of 199 IAC 22.23(2) regarding individual customer verification rules for unauthorized changes in telecommunications services. Both Special Accounts and Erbia are long distance telecommunications providers in Iowa. No objection to the joint request has been filed.

On January 1, 2002, Erbia transferred its assets and customer base into Special Accounts. At the time of the transfer, Erbia had over 100 customers in Iowa. Erbia has stated it intends to serve proper notice upon all of its customers of Special Accounts' purchase of Erbia's assets and customer base and that there will not be a change in the rates, terms, and conditions of services provided to Erbia's customers.

To grant the waiver, the Board must find, based upon clear and convincing evidence, that the request meets the four criteria in 199 IAC 1.3. The four criteria are: 1) the application of the rule would cause undue hardship, 2) the waiver would not prejudice the substantial legal rights of any person, 3) the provisions of the rule are not specifically mandated by statute, and 4) substantially equal protection of

public health, safety, and welfare will be afforded by a means other than prescribed by the rule.

The Board finds that a waiver of 199 IAC 22.23(2) should be granted based on the Board's review of the information provided by Special Accounts and Erbia. The Board finds that it would be an undue hardship for Special Accounts to obtain over 100 individual authorization verifications for the change in service providers. The Board also finds that the waiver will not affect the substantial legal rights of any person and that equal protection of the public health, safety, and welfare have been afforded since all of Erbia's customers will receive notice of Special Accounts' acquisition and will be afforded an opportunity to change providers if they choose to do so.

IT IS THEREFORE ORDERED:

The joint waiver request filed by Special Accounts Billing Group, Inc., and Erbia Network, Inc. on April 9, 2002, is granted. The verification requirement of 199 IAC 22.23(2) for unauthorized changes in telecommunications service is waived.

UTILITIES BOARD

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 17th day of May, 2002.